## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CIVIL DOCKET NO.: 5:10CV63-V

PETER N. PHASOULAS, JR.,	)	
Plaintiff,	)	
	)	
VS.	)	Memorandum & Opinion
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
Defendant.	)	
	)	

THIS MATTER is before the Court on the parties' cross motions for summary judgment. (Documents ##9, 11-12) Pursuant to 28 U.S.C. §636(b)(1)(B), United States Magistrate Judge David C. Keesler was designated to consider and recommend disposition in the aforesaid motion. In an opinion filed May 18, 2011, the Magistrate Judge recommended that Plaintiff Phasoulas's motion for summary judgment be denied; that Defendant's motion for summary judgment be granted; and the Commissioner's determination be affirmed. (Document #13) (M & R at 11.) The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(c), and no objections have been filed by either party in this matter.

After a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. *See* Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315-16 (4<sup>th</sup> Cir.2005) ("[I]n the absence absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); Orpiano v.

<u>Johnson</u>, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections.) Accordingly, the Court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Summary Judgment is hereby

DENIED; Defendant's Motion for Summary Judgment is hereby GRANTED; and the

Commissioner's denial of benefits hereby AFFIRMED.

Signed: June 15, 2011

Richard L. Voorhees United States District Judge